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November 18, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF AMENDMENT NUMBER 1
TO THE VITAMIN CASES CONSUMER SETTLEMENT FUND GRANT AGREEMENT
(SUPERVISORIAL DISTRICTS 1 AND 2)
(4 VOTES)**

SUBJECT

Request for approval to accept Amendment Number 1 to the Vitamin Cases Consumer Settlement Fund Grant Agreement to extend the term to support the Youth Activism Against Obesity Project within Community Health Services Service Planning Areas 3 and 6.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve and instruct the Director of the Department of Public Health (DPH), or his designee, to accept and execute Amendment Number 1 (Exhibit I) to the Vitamin Cases Consumer Settlement Fund (VCCSF) Grant Agreement that extends the expiration date of the grant award agreement for a period of three months from April 15, 2010, to July 11, 2010, at no additional cost, in the amount of \$613,261.
2. Delegate authority to the Director of DPH, or his designee, to execute amendments substantially similar to the VCCSF Grant Agreement that extend the term for a period of no more than 12 months, permit the rollover of unspent funds, and/or increase or decrease the base award up to 25 percent, subject to review and approval by County Counsel and the Chief Executive Office and notification to the Board offices.
3. Approve the Request for Appropriation Adjustment (Exhibit II) in the amount of \$307,000 for Fiscal Year (FY) 2008-2009. This Appropriation Adjustment will

increase DPH's budgeted services and supplies (S&S) appropriation and is fully offset by grant funding from VCCSF.

PURPOSE/JUSTIFICATION OF THE RECOMMENDED ACTION

The Youth Activism Against Obesity (YAAO) Project increases middle and high school students' awareness of the health risks associated with consuming fast food and soda. Primary goals are to promote healthy eating habits and urge youth to advocate for health food policies in schools, their home environment and their communities.

The project consists of a partnership through the Health Eating Active Communities (HEAC) Initiative, DPH and two community based childhood obesity prevention projects, "People on the Move" in Baldwin Park, Service Planning Area (SPA) 3 and "The Childhood Obesity Brain Trust" in South Los Angeles SPA 6.

DPH will work with youth from these two projects and a public relations firm with expertise in youth culture and community-based initiatives to develop and implement the campaign. The campaign is youth centered and utilizes online social networks, podcasts (audio files) and webcasts (video files), websites, radio stations, magazines and other methods of reaching middle and high school youth in SPAs 3 and 6.

Though acceptance of the VCCSF Grant Agreement and an appropriation adjustment in the amount of \$137,000 came before your Board for initial approval on April 15, 2008, the project was delayed due to a release of a Request For Qualifications with the objective of establishing a pool of pre-qualified Public Relations (PR) firms and Request For Concept Paper to select the PR firm. As a result, a PR firm was selected and DPH received a three month extension from VCCSF and is before your Board for approval of a subsequent appropriation adjustment, as the balance of funds from the initial appropriation adjustment were not requested during the FY 2008-09 budget process.

Implementation of Strategic Plan Goals

This action supports Goal 6, Children and Families Well Being and Goal 7, Health and Mental Health of the County Strategic Plan by supporting the YAAO Project which seeks to prevent childhood obesity within SPAs 3 and 6.

FISCAL IMPACT/FINANCING

Under this proposed Board action, the total amount of funding provided to DPH is \$613,261.

The attached Appropriation Adjustment in the amount of \$307,000 will increase DPH's FY 2008-09 budgeted S&S appropriation, fully offset by grant funding from VCCSF to support the YAAO Project.

The remaining funding provided under this grant will be requested during the FY 2009-10 Proposed Budget.

There is no net County cost associated with this action.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On January 8, 2008, DPH was informed by VCCSF Administrator that DPH was being recommended for approval to receive a grant from VCCSF in the amount of \$613,261.

On January 16, 2008, DPH was approved to receive the grant award from VCCSF.

On April 15, 2008, your Board authorized DPH to accept and execute VCCSF's Grant Agreement in the amount of \$613,261, effective upon Board approval through April 15, 2010, to support a social marketing campaign within SPAs 3 and 6.

Exhibit I has been approved as to form by County Counsel. Exhibit II is the Appropriation Adjustment.

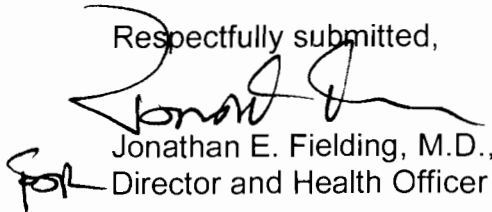
IMPACT ON CURRENT SERVICES (OR PROJECT)

Approval of the recommended action will allow DPH to extend the YAAO Project, a two-year social marketing initiative targeted to youth. The YAAO Project increases the awareness of middle and high school students on the importance of healthy eating, the danger of fast food consumption and involves students in food policy advocacy in the City of Baldwin Park and South Los Angeles.

CONCLUSION

DPH requires four signed copies of your Board's action.

Respectfully submitted,


Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

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Attachments (2)

c: Chief Executive Officer
County Counsel

Amendment #1 to Grant Agreement

Whereas, Los Angeles County Department of Public Health (Grantee) and the Vitamin Cases Cy Pres Fund Administrator (Cy Pres Fund Administrator) previously entered into a Grant Agreement effective on May 22, 2008 (Grant Agreement) providing for a grant in the amount of \$613,261 to Grantee to develop and conduct a social marketing campaign to increase the awareness of middle and high school students about the importance of healthy eating, decreasing their consumption of fast food and soda and increasing their involvement in food policy advocacy in Baldwin Park and South Los Angeles;

Whereas, Grantee and the Cy Pres Fund Administer desire to extend the term of the Grant Agreement to July 11, 2010,

Whereas, Section 1 of the Grant Agreement states, "Grant funds must be used substantially in accordance with the budget and timeline submitted by Grantee attached (Attachment I: Budget & Budget Narrative, Attachment II: Timeline) and no substantial changes in the budget, timeline or the grant period may be made without prior written approval from the Cy Pres Fund Administrator. Within 90 days of the effective date of this agreement, Grantee will submit, an Updated Budget and Updated Timeline for approval by the Cy Pres Fund Administrator;"

Whereas, Section 2 of the Grant Agreement states that the 1st Installment of grant funds in the amount of \$35,000.00 will be paid within 30 days of execution of the Grant Agreement and further states, "Following the receipt of the Updated Budget and Updated Timeline (required under Section 1 above) and the 1st Interim Project and Expenditure Report (required under Section 3 below), the Cy Pres Fund Administrator and Grantee will negotiate the schedule and amounts for subsequent installments;"

Whereas, Section 3 of the Grant Agreement states that Grantee will submit its 1st Interim Project and Expenditure Report within 90 days of the effective date of the Grant Agreement and further states, "Following the receipt of the 1st Interim Project and Expenditure Report and Updated Budget and Updated Timeline (required under Section 1), the Cy Pres Fund Administrator and Grantee will negotiate the schedule for subsequent reports to the Cy Pres Fund Administrator.

Whereas, by emails dated August 20, 2008 and September 5 2008, Grantee submitted its 1st Interim Project Report and Expenditure Report;

Whereas, by email dated September 5, 2008, Grantee also submitted an Updated Budget and Updated Timeline attached hereto for approval by the Cy Pres Fund Administrator;

Whereas, the Cy Pres Fund Administrator has reviewed the Updated Budget and Updated Timeline and they are approved and

Whereas, the Cy Pres Fund Administrator and Grantee agree on the following amendments to the Grant Agreement:

1. Section 1 in the Grant Agreement is amended to read:

“1. Use of Grant Funds.

Los Angeles County Department of Public Health (Grantee) will use grant funds to develop and conduct a social marketing campaign to increase the awareness of middle and high school students about the importance of healthy eating, decreasing their consumption of fast food and soda and increasing their involvement in food policy advocacy in Baldwin Park and South Los Angeles.

The campaign’s goals will be to increase students’ awareness about the health risks of consuming fast food and soda and the importance of healthy eating, decrease their consumption of fast food and soda and increase their involvement in food policy advocacy. The campaign will promote healthy eating, point out the perils of eating fast food and drinking soda and urge youth to advocate for healthy food policies at school in their home environment and in their communities.

Grantee will work with a public relations firm conversant in youth culture and community-based initiatives to develop and implement the campaign. The campaign will utilize youth-centered online social networks, podcasts (audio files) and webcasts (videofiles), websites, radio stations, magazines and other methods of reaching middle and high school students in Baldwin Park and South Los Angeles. Grantee will train 40 youth leaders (20 in each community) who will serve as spokespersons for good nutrition and physical activity.

Grantee will document and evaluate the effectiveness of its campaign as specified in the Updated Budget and Updated Timeline attached.

Grant funds must be used substantially in accordance with the Updated Budget & Budget Narrative attached hereto and the Updated Timeline attached hereto and no substantial changes in the budget, timeline or the grant period may be made without prior written approval from the Cy Pres Fund Administrator.

In no event shall indirect expenses exceed 6% of the amount awarded. Any funds not used for the purposes described above will revert to the Vitamin Cases Consumer Settlement Fund to be distributed in accordance with terms of the settlement agreement and court orders establishing the fund.

Grant funds will not be used to supplant or replace federal, state, local or other governmental funding for any program, purchase or activity and Grantee's budget will not be reduced to compensate for the award of this grant."

2. Section 2, of the Grant Agreement is amended to read as follows:

"2. Payment of Grant Funds.

The grant funds will be paid to Grantee as follows:

- 1st Installment (\$35,000.00): within 30 days of execution of this agreement. (Paid)
- 2nd Installment (\$89,578.00) within 21 days of the effective date of this Amendment;
- 3rd Installment (\$178,732.00) within 21 days of receipt of satisfactory 2nd Interim Progress and Expenditure Reports;
- 4th Installment (\$168,340.00) within 21 days of receipt of satisfactory 3rd Interim Progress and Expenditure Reports;
- 5th Installment (\$80,154.00) within 21 days of receipt of satisfactory 4th Interim Progress and Expenditure Reports and
- Final Installment (\$61,311.12) within 21 days of receipt of satisfactory Final Progress and Expenditure Reports.

The Cy Pres Fund Administrator will mail the installment checks to Grantee at the following address:

Department of Public Health
5555 Ferguson Dr., Room 100-50
City of Commerce, CA 90022
Attention: Leticia Moisa
Public Health Finance

Grantee will promptly notify the Cy Pres Fund Administrator in writing of any change in this address.

Grantee's Federal Employer Identification Number is: 95-6000-92W."

3. Section 3 of the Grant Agreement is amended to read as follows:

"3. Section 3 Grantee Reports.

Grantee will submit written reports on the use of grant funds, compliance with terms of the grant and progress made towards achieving the goals of the grant as follows:

- 1st Interim Project and Expenditure Report: within 90 days of the effective date of this agreement (covering project activities from May 22, 2008 through September 5, 2008) (Received);
- 2nd Interim Progress and Expenditure Report: on or before January 31, 2009 (covering project activities from September 6, 2008 through December 31, 2008 and expenditures from grant funds from May 22, 2008 through December 31, 2008);
- 3rd Interim Progress and Expenditure Report: on or before July 31, 2009 (covering project activities and expenditures from grant funds from January 1, 2009 through June 30, 2009;
- 4th Interim Progress and Expenditure Report: on or before January 31, 2010 (covering project activities and expenditures from grant funds from July 1, 2009 through December 31, 2009;);
- Final Interim Progress and Expenditure Report: on or before August 12, 2010 (covering project activities and expenditures from grant funds from January 1, 2010 through July 11, 2010;

All reports will be mailed to:

Harry M. Snyder
Vitamin Cases Consumer Settlement Fund

Cy Pres Fund Administrator
The Presidio
P.O. Box 29289
San Francisco, CA 94129

An electronic copy of each report shall also be sent to:
hmsnyder@sbcglobal.net. Grantee will respond promptly to inquiries and
provide additional information if requested by the Cy Pres Fund
Administrator.

In all other respects, the Grant Agreement remains the same

The effective date of this Amendment will be the date when it is executed by the second
of the parties to do so.

Agreed to by:

Vitamin Cases Consumer Settlement Fund
Cy Pres Fund Administrator

Signature: _____
Harry M. Snyder

Date: _____

Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer
313 N. Figueroa St., Room 806
Los Angeles, CA 90012
213.240.8117
jfielding@ph.lacounty.gov

Date: _____

COUNTY OF LOS ANGELES
REQUEST FOR APPROPRIATION ADJUSTMENT
DEPARTMENT OF PUBLIC HEALTH

DEPTS. NO. 295October 20, 2008

AUDITOR-CONTROLLER.

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. WILL YOU PLEASE REPORT AS TO ACCOUNTING AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF ADMINISTRATIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR
FISCAL YEAR 2008/09
4-VOTE

SOURCES:

Department of Public Health
A01 - PH - 91 - 906A - 23450
Local Grants - Other \$ 307,000
Increase Revenue

Total \$ 307,000

USES:

Department of Public Health
A01 - PH - 2000 - 23450
Services & Supplies 307,000
Increase Appropriation

Total \$ 307,000

JUSTIFICATION

This appropriation adjustment is requested to provide spending authority for a Social Marketing Campaign Project to promote healthy eating and advocate healthy food policies at school, home environment and in their communities. Funding is provided by the Vitamin Cases Consumer Settlement Fund for Fiscal Year ending June 30, 2009. There is no Net County Cost.

Nanette Herrera
Nanette Herrera

CHIEF ADMINISTRATIVE OFFICER'S REPORT

Division Chief, Controller's Division

REFERRED TO THE CHIEF ADMINISTRATIVE OFFICER FOR	ACTION	APPROVED AS REQUESTED <i>Oct. 28, 20 08</i>	AS REVISED <i>[Signature]</i>
	RECOMMENDATION BY <i>[Signature]</i> <i>Oct 20 20 08</i>	CHIEF ADMINISTRATIVE OFFICER	
AUDITOR-CONTROLLER NO. 051		APPROVED (AS REVISED): BOARD OF SUPERVISORS BY _____ DEPUTY COUNTY CLERK	